

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

PROMETHEUS SOLUTIONS, INC.,
a Nevada Corporation

Plaintiff/Counter-Defendant,

v.

Civil No. 2:14-CV-00349 GBW-CEG

TREVOR EDWARDS,

Defendant,

and

GARY L. COKER and
T. EDWARDS, LLC, a Nevada limited liability company,

Defendants/Counterclaimants.

GARY L. COKER and
T. EDWARDS, LLC, a Nevada limited liability company,

Third Party Plaintiffs,

v.

DAVID M. STEVENS

Third Party Defendant.

ORDER DENYING MOTION FOR ADDITIONAL WRITTEN DISCOVERY

THIS MATTER is before the Court on the Defendants'¹ *Motion to Allow Additional Written Discovery*, (Doc. 154), filed on November 3, 2015. Under the local rules, the “[m]ovant must determine whether a motion is opposed, and a motion that omits recitation of a good-faith request for concurrence may be summarily denied.” D.N.M.LR-Civ. 7.1(a). The rule exists “to promote judicial efficiency and economy by precluding the unnecessary filings of motions, responses, and orders.” *Hooten v. Ikard*

¹ For ease of reference, “Defendants” shall refer to Trevor Edwards, Gary L. Coker, and T. Edwards, LLC.

Servi Gas, No. 12-2179, 525 Fed. Appx. 663, 668 (10th Cir. May 3, 2013) (internal quotation marks omitted). Defendants' Motion vaguely asserts, "Concurrence from Plaintiff, Prometheus Solutions, Inc. and Third-Party Defendant, David M. Stevens, was sought but not obtained by the time of filing of this Motion." (Doc. 154 at 3-4). This representation is insufficient to show that the filing of their Motion was necessary. Where counsel is unable to obtain a response, they should, at a minimum, detail their efforts in seeking concurrence by, for example, indicating the manner in which concurrence was sought, how many requests for concurrence were made, and when they were made. Defendants' representation does not demonstrate that they adequately made a good-faith request for concurrence.

IT IS THEREFORE ORDERED that *Defendants' Motion to Allow Additional Written Discovery*, (Doc. 154), is summarily **DENIED**.



THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE